

**Medicare Resident & New Physician Guide: Helping Health Professionals  
Navigate Medicare, Seventh Edition 2003  
Chapter 8, Pages 109 - 110**

**Hearing Officer Hearing (HO) – 2<sup>nd</sup> Level of Appeal**

**Filing a Request for Hearing**

Upon request by the affected party, the HO may extend the period for filing the request for a hearing if good cause is shown. There are three types of hearings: on-the-record, in-person, and telephone.

**Preliminary On-The-Record (POTR) Hearing**

Where either an in-person or telephone hearing has been requested, the HO may first prepare a decision based on the information in the file, including any information the appellant wishes to submit. The HO may conduct a POTR hearing and issue a decision unless:

- The POTR could significantly delay the in-person or telephone hearing;
- The HO believes that the facts can be clarified only through oral testimony;
- A different HO would not be available to conduct the in-person or telephone hearing should the appellant not be satisfied with the POTR hearing decision; or
- Workload considerations do not support conducting POTR hearings.

**In-Person Hearing**

In-person hearings allow the appellants and/or representatives to present oral testimony and written evidence supporting the claim and challenging the information the carrier used to deny the claim.

**Telephone Hearing**

Telephone hearings are a convenient and less costly alternative to in-person hearings. Oral testimony and oral challenges may be conducted, and other evidence may be submitted by mail or facsimile.

**On-The-Record (OTR) Hearing**

OTR hearings and decisions are identical to those rendered in the hearings described above and follow the same instructions. The major advantage is the speed with which an OTR hearing can be held and a decision rendered. When an appellant specifically requests an OTR hearing, the resulting decision is not a POTR decision and the appellant does not have the further option of requesting an in-person or telephone hearing.

**HO Decision Notification**

The HO will notify the appellant of the HO hearing decision in writing and provide him or her with information on further appeals rights if the decision is not fully favorable.